thority if any possible reason can be seen for the distinction. See *Williams* v. *Arkansas*, 217 U. S. 79. At first blush, it seems highly unreasonable to require more time to be spent in learning less. But the practical operation of the statute is to burden chiropractic when carried on as a separate profession. In view of the fact that when so carried on it may be more dangerous than when used in connection with general medical methods, the statute should be upheld. See *contra*, *State* v. *Gravett*, 65 Ohio St. 289, 62 N. E. 325.

PROXIMATE CAUSE — INTERVENING CAUSES — FORESEEABLE FAILURE TO AVOID DANGER.—The plaintiff's intestate was killed in serving the defendant interstate carrier. He was crushed between the end of a shunted car on which he was working and the defective end of a standing, loaded car, which, as he knew, lacked drawbar and coupler. His job was to stop his car before it reached the other. The drawbar and coupler would have prevented the accident by separating the cars. The Safety Appliance Acts forbid the use of cars without such appliances. (27 STAT. AT L. 531, §§ 2, 8; 32 STAT. AT L. 943, § 1.) Contributory negligence and assumption of risk are made immaterial. (35 STAT. AT L. 69, §§ 3, 4). *Held*, that a judgment denying recovery be affirmed. *Lang* v. *N. Y. Central R. R. Co.*, U. S. Sup. Ct., Oct. Term, 1920, No. 290.

The majority say the defendant's violation of law was not a proximate cause of the decedent's death. It was clearly a cause. In view of a verdict for the plaintiff in the trial court, as well as the ordinary course of activities in railroad yards, it must be taken that such accidents from collision were risked by the defendant's failure to act. The violation of the statute therefore seems a proximate though passive cause of the decedent's death. *Watts* v. *Evansville, Mt. C. & N. Ry. Co.*, 129 N. E. 315 (Ind.); *Nelson Creek Coal Co.* v. *Bransford*, 225 S. W. 1070 (Ky.); *Swaim* v. *Chicago, R. I. & P. Ry. Co.*, 187 Ia. 466, 174 N. W. 384. *Cf. Sarber* v. *Indianapolis*, 126 N. E. 330 (Ind.); *Davis* v. *Mellen*, 182 Pac. 920 (Utah). See Joseph H. Beale, "The Proximate Consequences of an Act," 33 HARV. L. REV. 633, 650–658. The theory of the majority seems to have been that the statutes in question were intended to protect only workers moving or coupling defective cars. This seems an unfortunately narrow construction. This view, however, is the real basis of the judgment. It explains the court's conclusions on causation. The decision seems also to have been influenced by deep rooted convictions on the doctrines of the last clear chance and assumption of risk, which cannot have been consciously regarded in view of the wording of the statute. Similarly, the question of a defendant's negligence is often not sharply distinguished from that of proximate causation. See *Nelson Creek Coal Co.* v. *Bransford*, *supra*; *Sarber* v. *Indianapolis*, *supra*.

QUO WARRANTO — JUDICIAL DISCRETION IN *QUO WARRANTO* AGAINST MUNICIPAL CORPORATION. — The City of Methuen, Mass., was chartered in 1917 under an unconstitutional statute. A city government was inaugurated and all the activities of a municipality carried on for two and a half years, during which time several statutes recognized its existence and state and county taxes were assessed upon it as a city. Information in the nature of *Quo Warranto* by the Attorney General in behalf of the commonwealth for a judgment of ouster against the city. *Held*, that the information should be dismissed. *Att'y Gen'l* v. *City of Methuen*, 236 Mass. 564, 129 N. E. 662.

For a discussion of the principles involved in this case, see NOTES, *supra*, p. 73.